



3. On information and belief, Defendant Hyundai Motor America is a California corporation with a place of business at 10550 Talbert Ave. Fountain View, CA 92708. On information and belief, Hyundai Motor America is a subsidiary of Hyundai Motor Company and responsible for U.S. operations, such as sales, marketing, and distribution for Hyundai Motor Company.

4. On information and belief, Defendant Hyundai Motor Manufacturing Alabama, LLC (“HMMA”) is a Delaware limited liability company with its principal place of business at 700 Hyundai Blvd., Montgomery, Alabama 36105.

### **JURISDICTION AND VENUE**

5. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

6. This court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Hyundai. On information and belief, Hyundai, either directly or through intermediaries, regularly sells products and services into this judicial district and manufactures products intended to be sold and in fact sold into and within this judicial district. Additionally, on information and belief, this Court has personal jurisdiction over Hyundai because Hyundai has committed, aided, abetted, contributed to, induced, and/or participated in the commission of acts within this judicial district giving rise to this action.

8. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400 (b).

### **SUMMARY**

9. Dr. David Breed is one of the leading inventors in the field of automotive technology in the world today.

10. Dr. Breed is an inventor on more than 300 United States patents relating to automotive technologies, including airbags, navigation systems, vehicle diagnostics, crash sensors, vehicle communications, systems monitoring, theft protection, and collision avoidance.

11. Dr. Breed has a Ph.D. in Mechanical Engineering from Columbia University as well as Bachelors' and Masters' degrees from the Massachusetts Institute of Technology.

12. Dr. Breed has received the National Highway Traffic Safety Administration's Award for Safety Engineering and the prestigious H.H. Bliss award for his contributions to the development of the airbag.

13. Dr. Breed is a member of the Tau Beta Pi and Pi Tau Sigma engineering honors societies and has published numerous peer-reviewed articles.

**COUNT I: INFRINGEMENT OF U.S. PATENT NO. 7,413,048**

14. AVS incorporates the foregoing paragraphs as if fully set forth here.

15. On August 19, 2008, the USPTO duly and legally issued United States Patent No. 7,413,048 B2 ("the '048 Patent"), entitled "Weight Measuring Systems And Methods For Vehicles." AVS owns the '048 Patent and holds the right to sue and recover damages for infringement thereof.

16. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '048 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Hyundai's Elantra product, that include systems and employ methods for determining the weight of an occupying item of a seat, that infringe or the

use of which infringe one or more claims of the '048 Patent, all to the injury of AVS. Hyundai is thus liable for infringement of the '048 Patent pursuant to 35 U.S.C. § 271.

17. As a result of its infringement of the '048 Patent, Hyundai has damaged AVS. Hyundai is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

18. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '048 Patent.

19. As a result of Hyundai's infringement of the '048 Patent, AVS has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

20. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '048 Patent and written notice of the infringement.

**COUNT II: INFRINGEMENT OF U.S. PATENT NO. 7,976,060**

21. AVS incorporates the foregoing paragraphs as if fully set forth here.

22. On July 12, 2011, the USPTO duly and legally issued United States Patent No. 7,976,060 B2 ("the '060 Patent"), entitled "Seat Load Or Displacement Measuring System For Occupant Restraint System Control." AVS owns the '060 Patent and holds the right to sue and recover damages for infringement thereof.

23. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '060 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including but not limited to various model years of Hyundai's Elantra product, that include occupant

classification and other systems that infringe or the use of which infringe one or more claims of the '060 Patent, all to the injury of AVS. Hyundai is thus liable for infringement of the '060 Patent pursuant to 35 U.S.C. § 271.

24. As a result of its infringement of the '060 Patent, Hyundai has damaged AVS. Hyundai is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

25. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '060 Patent.

26. As a result of Hyundai's infringement of the '060 Patent, AVS has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

27. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '060 Patent and written notice of the infringement.

**COUNT III: INFRINGEMENT OF U.S. PATENT NO. 8,235,416**

28. AVS incorporates the foregoing paragraphs as if fully set forth here.

29. On August 7, 2012, the USPTO duly and legally issued United States Patent No. 8,235,416 ("the '416 Patent"), entitled "Arrangement for Sensing Weight of an Occupying Item in a Vehicular Seat." AVS owns the '416 Patent and holds the right to sue and recover damages for infringement thereof.

30. On information and belief, Hyundai has been and now is directly infringing, and/or inducing infringement by others, and/or contributing to the infringement by others of the '416 Patent in the state of Texas, in this judicial district, and elsewhere within the United States by, among other things, making, using, offering for sale, selling, or importing vehicles, including

but not limited to various model years of Hyundai's Elantra product, that include an occupant sensor system configured to obtain an indication of weight applied by the occupant to the seat that infringe or the use of which infringe one or more claims of the '416 Patent, all to the injury of AVS. Hyundai is thus liable for infringement of the '416 Patent pursuant to 35 U.S.C. § 271.

31. As a result of its infringement of the '416 Patent, Hyundai has damaged AVS. Hyundai is liable to AVS in an amount to be determined at trial that adequately compensates AVS for the infringement, which by law can be no less than a reasonable royalty.

32. AVS intends to seek discovery on the issue of willfulness and reserves the right to seek a willfulness finding relative to pre-suit infringement and/or post-suit infringement of the '416 Patent.

33. As a result of Hyundai's infringement of the '416 Patent, AVS has suffered and will continue to suffer loss and injury unless Hyundai is enjoined by this Court.

34. At least as early as its receipt of this Complaint, Hyundai has had knowledge of the '416 Patent and written notice of the infringement.

#### **PRAYER FOR RELIEF**

WHEREFORE, Plaintiff AVS pray for the following relief:

35. A judgment in favor of AVS that Hyundai has infringed AVS' '048, '060, and '416 patents;

36. A permanent injunction, enjoining Hyundai along with its officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing AVS' '048, '060, and '416 patents;

37. A judgment and order requiring Hyundai to pay AVS damage for its infringement of AVS' '048, '060, and '416 patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284;

38. A judgment and order finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to AVS its reasonable attorney's fees; and

39. Such other and further relief in law or in equity to which AVS may be justly entitled.

**DEMAND FOR JURY TRIAL**

40. Plaintiff demands a trial by jury of any and all issues triable of right before a jury.

Dated March 22, 2013

Respectfully submitted,

/s/ Demetrios Anaipakos

Demetrios Anaipakos  
Texas Bar No. 00793258  
danaipakos@azalaw.com

Amir Alavi  
Texas Bar No. 00793239  
aalavi@azalaw.com

Steven J. Mitby  
Texas Bar No. 24037123  
smitby@azalaw.com

Brian E. Simmons  
Texas Bar No. 24004922  
bsimmons@azalaw.com

AHMAD, ZAVITSANOS, ANAIPAKOS, ALAVI & MENSING, P.C.  
1221 McKinney Street, Suite 3460  
Houston, TX 77010  
Telephone: 713-655-1101  
Facsimile: 713-655-0062

T. John Ward, Jr.  
Texas Bar No. 00794818  
jw@wsfirm.com  
Wesley Hill  
Texas Bar No. 24032294  
wh@wsfirm.com  
WARD & SMITH LAW FIRM  
1127 Judson Road, Suite 220  
Longview, TX 75601  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323